Texas State Board of Pharmacy Laws and Rules Update Webinar FAQs and Troubleshooting Tips

- We will be using the *Chat* box to deliver general information.
- If you have questions, please use the Q&A box to submit.
- You may send all follow-up questions or handout requests to educationcoordinator@pharmacy.texas.gov
- You do not need a microphone.
- You do not need a microphone.

 Just log in to watch, listen, and participate in some polls.
 You will need something (pen and paper or an electronic device) with which to write down a short code at the end of the program.

 You will use this code to verify your attendance later.
- We will be doing periodic sound checks before the presentation begins.

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 An email notification will be sent to you when this is available

 Confirm your attendance by verifying your code to generate your certificate, which can be accessed at any time through
 your Lifelong Learning Account

 Please note: This course is accepted by the Texas State Board of Pharmacy for both general credit and as
 fulfilling the law requirement. However, it is NOT ACPE approved and will not appear in your CPE Monitor
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Test Poll Question

This is just a quick test to get you familiar with the polling feature. Here's your question:

Today's webinar program meets the Texas-specific law CE requirement.

- True
- False



TEXAS STATE BOARD OF PHARMACY

Texas Pharmacy Law Update

Allison Vordenbaumen Benz, R.Ph., M.S. **Executive Director/Secretary**



Goals

- Identify recent changes in Texas pharmacy rules:
- Review Legislation passed by the 2017
 Texas Legislature that affects the practice of pharmacy or the Board of Pharmacy; and
- Discuss the Prescription Monitoring Program at the Board of Pharmacy.



TEXAS STATE BOARD OF PHARMACY

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Poll Question #1

- Are you a:
 - Pharmacist
 - Pharmacy technician
 - Student
 - Other



RECENTLY ADOPTED RULES



MAY BOARD MEETING

Several rule amendments to **Chapter 291 – Pharmacies** were adopted at the May
Board Meeting, and will become effective
mid-June.



MAY BOARD MEETING Rule Adoption Breakdown

- §291.9 Prescription Pick Up Locations
 - The amendments clarify the requirements for prescription pickup locations to be consistent with DEA requirements.



Board Rule 291.9

- Prescription Pick-Up Locations
- A pharmacy may pick up prescription orders at the:
 - office or home of the prescriber;
 - residence or place of employment of the person for whom the prescription was issued;
 - hospital or medical care facility in which the patient is receiving treatment;



TEXAS STATE BOARD OF PHARMACY

Board Rule 291.9 (cont.)

- A pharmacy may deliver prescription drugs to the:
 - office of the prescriber if the prescription is:
 - for a dangerous drug; or
 - for a single dose of a controlled substance that is for administration to the patient in the prescriber's office:
 - residence of the person for whom the prescription was issued;



TEXAS STATE BOARD OF PHARMACY

Board Rule 291.9 (cont.)

- place of employment of the person for whom the prescription was issued, if the person is present to accept delivery; or
- hospital or medical care facility in which the patient is receiving treatment.



MAY BOARD MEETING Rule Adoption Breakdown

№ §291.33 - Operational Standards

 The amendments update the requirements for the use of automated checking devices and automated storage and distribution devices by Class A pharmacies.



TEXAS STATE BOARD OF PHARMACY

Board Rule 291.33

- Automated storage and distribution device.
- A pharmacy may use an automated storage and distribution device to deliver a previously verified prescription to a patient or patient's agent provided:



TEXAS STATE BOARD OF PHARMACY

Board Rule 291.33 (cont.)

- the patient or patient's agent shall be counseled via a direct telephone link by a Texas licensed pharmacist who has access to the complete patient profile prior to the release of any new prescription released from the device;
- the patient or patient's agent may speak with a Texas licensed pharmacist via a direct telephone link for questions regarding their medications;



Board Rule 291.33 (cont.)

- the patient or patient's agent is given the option to use the system;
- a notice shall be posted at the automated storage and distribution device with the following information:



Board Rule 291.33 (cont.)

- the name and address of the pharmacy that verified the previously dispensed prescription; and
- a statement that a pharmacist is available 24 hours a day, 7 days a week through the use of telephonic communication;



Board Rule 291.33 (cont.)

- the automated storage and distribution device has been tested by the pharmacy and found to dispense prescriptions accurately;
- the automated storage and distribution device may be loaded with previously verified prescriptions only by a pharmacist or by pharmacy technicians or pharmacy technician trainees under the direction and supervision of a pharmacist;



Board Rule 291.33

- the automated storage and distribution device must have an adequate security system, including security camera(s), to prevent unauthorized access and to maintain patient confidentiality; and
- the automated storage and distribution device records a digital image of the individual accessing the device to pick-up a prescription and such record is maintained by the pharmacy for two years.



TEXAS STATE BOARD OF PHARMACY

MAY BOARD MEETING Rule Adoption Breakdown

- §291.121- Remote Pharmacy Services
 - The amendments clarify the requirements for delivery of drugs at a remote site through a telepharmacy system.



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Board Rule 291.121

- Implements telepharmacy provisions of HB 2561
- Provider pharmacy be allowed to provide pharmacy services at no more than 2 remote sites;



Board Rule 291.121 (cont.)

- A pharmacist must <u>make at least</u> <u>monthly on-site visits to a remote</u> <u>dispensing site;</u>
- A perpetual inventory of controlled substances must be maintained at the remote site and must be reconciled monthly by a pharmacist from the provider pharmacy;



TEXAS STATE BOARD OF PHARMACY

Board Rule 291.121 (cont.)

- A pharmacist shall be physically present when providing services requiring the physical presence of the pharmacist, including immunizations;
- A remote site shall be staffed by <u>an on-site pharmacy technician under the continuous supervision of a pharmacist;</u>



TEXAS STATE BOARD OF PHARMACY

Board Rule 291.121 (cont.)

 All pharmacy technicians at a remote site must be counted when establishing the pharmacist/pharmacy technician ratio of the provider pharmacy, which, may not exceed 3 pharmacy technicians for each pharmacist;



Board Rule 291.121 (cont.)

- Before working at a remote site, a pharmacy technician must have:
 - Worked at least 1-year at a retail pharmacy during the 3-years preceding the date the pharmacy tech begins working at the remote site;
 - <u>Have completed a Board-approved training</u>
 <u>program</u> on the proper use of a telepharmacy
 system;



TEXAS STATE BOARD OF PHARMACY

Board Rule 291.121 (cont.)

 A pharmacy technician <u>may not perform</u> <u>extemporaneous sterile or nonsterile</u> <u>compounding</u> but may prepare commercially available meds for dispensing, including the reconstitution of powder antibiotics; and



TEXAS STATE BOARD OF PHARMACY

Board Rule 291.121 (cont.)

- A telepharmacy system at a remote dispensing site <u>may not:</u>
 - Dispense CII controlled substances.
 - Be located within 22 miles, by road, of a Class A pharmacy.
 - Except if a Class A pharmacy is established within 22 miles of a remote dispensing site that is currently operating, the remote dispensing site may continue to operate at that location.



Board Rule 291.121 (cont.)

The Act specified that the Board by rule shall require and develop a process for a remote site to apply for a Class A pharmacy license IF the average number of prescriptions dispensed each day the remote dispensing site is open for business is more than 125, as calculated each calendar year.



TEXAS STATE BOARD OF PHARMACY

Board Rule 291.121 (cont.)

 Drugs dispensed at the remote site through a telepharmacy system <u>shall only</u> <u>be delivered to the patient or patient's</u> agent at the remote site.



TEXAS STATE BOARD OF PHARMACY

Poll Question #2

- A provider pharmacy may provide telepharmacy services at no more than 2 remote sites.
 - True
 - False



OTHER RECENTLY ADOPTED RULES



Board Rule 283.3

- Effective: March 8, 2018
- HB 2561 amended the Texas Pharmacy Act to eliminate the requirement that a person be of good moral character to obtain a license or registration.
- Amendment to 283.3 removes the reference to good moral character.



TEXAS STATE BOARD OF PHARMACY

Board Rule 295.8

- For pharmacist license renewals received after January 1, 2019
- Amends the continuing education requirements for pharmacists to include one hour of CE related to opioid abuse.



Board Rule 297.3

- HB 2561 amends the Pharmacy Act to specify that to renew a pharmacy technician registration after a registration has been expired for:



TEXAS STATE BOARD OF PHARMACY

Board Rule 297.3 (cont.)

- 90 days or less, the technician must pay a renewal fee that is equal to 1½ times the renewal fee;
- greater than 90 days, but less than 1 year, the technician must pay a renewal fee that is 2 times the renewal fee;
- 1 year or greater, the technician may not renew.
- Amendment to rule 297.3 implements the new fee requirements.

TEXAS STATE BOARD OF PHARMACY

Class A Pharmacy Library Requirements

- Effective Date: September 6, 2017
- Library requirements were amended to
 - Add a new reference if the pharmacy dispenses veterinary prescriptions, the pharmacy must have a general reference text on veterinary drugs.



Pharmacy Related Legislation Passed by the 2017 Texas Legislature



The "Sunset" Bill (HB 2561) Effective Date: 9/1/2017



HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor

- **Effective Date: 9/1/2017**
- Amends the Pharmacy Act to:
 - Continue TSBP until 8/31/2029;
 - Allow the Board to <u>refuse to renew</u> a license to practice pharmacy <u>for a license holder</u> <u>who is in violation of a Board order</u>;
 - Specifies that TSBP must adopt rules relating to the CE required for pharmacy technicians.



HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

- Amends the Pharmacy Act to specify that pharmacy technician CE requirements must include the:
 - Number of hours of CE;
 - Methods for meeting the CE requirements;
 - Approval of CE programs;
 - Reporting completion of CE;
 - Records of completion of CE; andBoard audits to ensure compliance.



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

- <u>Amends</u> the Pharmacy Act to specify that to renew a pharmacy technician registration, the registrant must, before the expiration date of the registration:
 - Pay the renewal fee; and
 - Comply with the continuing education requirements.



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

Adds a new section 551.006 to the Pharmacy Act titled <u>"Exclusive</u> <u>Authority"</u> that specifies that <u>a</u> <u>pharmacist has the exclusive authority</u> <u>to determine whether or not to</u> <u>dispense a drug.</u>



HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

- Adds a new section 551.008 to the Pharmacy Act titled: "Prohibition on Rule Violating Sincerely Held Religious Belief" that specifies:
 - All rules or policies adopted by TSBP may not violate the Religious Freedom provisions of the Texas Civil Practice and Remedies Code; and



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

 A person may assert a violation of the religious freedom provisions as an affirmative defense in an administrative hearing or as a claim or defense in a judicial proceeding.



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

The bill adds a new Sec. 481.0764 to the Texas Controlled Substances Act (TCSA) titled "Reports of Wholesale Distributors" to require wholesalers to report to TSBP the sale of a controlled substance made by the distributor to a person in this state.



HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

The bill amends the TCSA to require each regulatory agency that issues a license, to a prescriber to promulgate specific guidelines for prescribers regulated by that agency for the responsible prescribing of opioids, benzodiazepines, barbiturates, or carisoprodol.



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

- The bill amends the TCSA to specify that after 9/1/2019, a pharmacist or prescriber authorized access the PMP, other than a veterinarian, shall access the PMP for the patient before prescribing or dispensing:
 - Opioids;
 - Benzodiazepines;
 - Barbiturates; or
 - Carisoprodol.



Data from the PMP- FY2017						
Controlled Substance Dispensed	# Rxs Dispensed	% of the 4 Controlled Substances Dispensed	% of ALL Controlled Substances Dispensed			
Barbiturates	192,974	<1%	<1%			
Benzodiazepines	8,308,209	31%	21%			
Carisoprodol	528,543	2%	1%			
Opioids	17,984,222	66%	45%			
Total of Above Controlled Substances Dispensed	27,013,858		<u>68%</u>			
Total of Other Controlled Substance Dispensed	12,405,658		32%			
Grand Total of All Controlled Substance Dispensed	39,419,516					
BARBITURATES, BENZODIAZEPINES, CARSIPRODOL AND OPIOIDS REPRESENT <u>68% OF ALL CONTROLLED SUBSTANCES DISPENSED</u> DURING THIS PERIOD						

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

- The bill amends the TCSA to specify that a:
 - A dispenser or prescriber may access information of a patient before dispensing or prescribing any controlled substance; and
 - A <u>veterinarian</u> may access the info for Rxs dispensed <u>only for the animals of an owner</u> and may not consider the personal Rx history of the owner.



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

The bill amends the TCSA to specify that if a prescriber or dispenser violates the law related to the access of the PMP, this action is grounds for disciplinary action by the regulatory agency that issued a license to the person who committed the violation.



Pharmacists Busted for Prying into Prince's Medical Records

Three pharmacists were caught trying to access the deceased star's records just days after his death.





Las Vegas Strip shooter prescribed anti-anxiety drug in June

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

- The bill amends the Health and Safety Code to add a new Chapter 442 titled "Donation Of Prescription Drugs."
- The new chapter specifies requirements for an individual to donate unused Rx drugs (dangerous drugs only) to a participating provider (health-care facility or pharmacy).



HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)



 The bill amends the education code to specify that:

The college shall be known as the Texas A&M University System Health Science Center Irma Lerma Rangel College of Pharmacy, and the primary building in which the school is operated shall be located in Kleberg County and must include "Irma Rangel" in its official name.





TEXAS STATE BOARD OF PHARMACY

Poll Question #3

- The Texas Pharmacy Act was amended to continue the Texas State Board of Pharmacy through August 31, 2029.
 - True
 - False



TEXAS STATE BOARD OF PHARMACY

Other Pharmacy Related Bills Passed by the Texas Legislature



HB 1178 by Rep. Kuempel/Sen. Hinojosa

- Effective Date: 9/1/2017.
- Increases the penalty for stealing a controlled substance to a felony if the:
 - Building in which a controlled substance is stored is a pharmacy, clinic, hospital, or nursing facility; and
 - Person entered or remained concealed in that building with intent to commit a theft of a controlled substance.



TEXAS STATE BOARD OF PHARMACY

HB 1178 by Rep. Kuempel/Sen. Hinojosa (cont.)

Amends the penal code to specify that an offense is a <u>state jail felony</u> if a controlled substance is taken, <u>regardless of the value of the controlled</u> <u>substance stolen</u>.



TEXAS STATE BOARD OF PHARMACY

Texas Prescription Monitoring Program



PMP AWARXE

Go to the PMP Website:

texas.pmpaware.net

OR

Go to the TSBP Website:

www.pharmacy.texas.gov





Poll Question #4

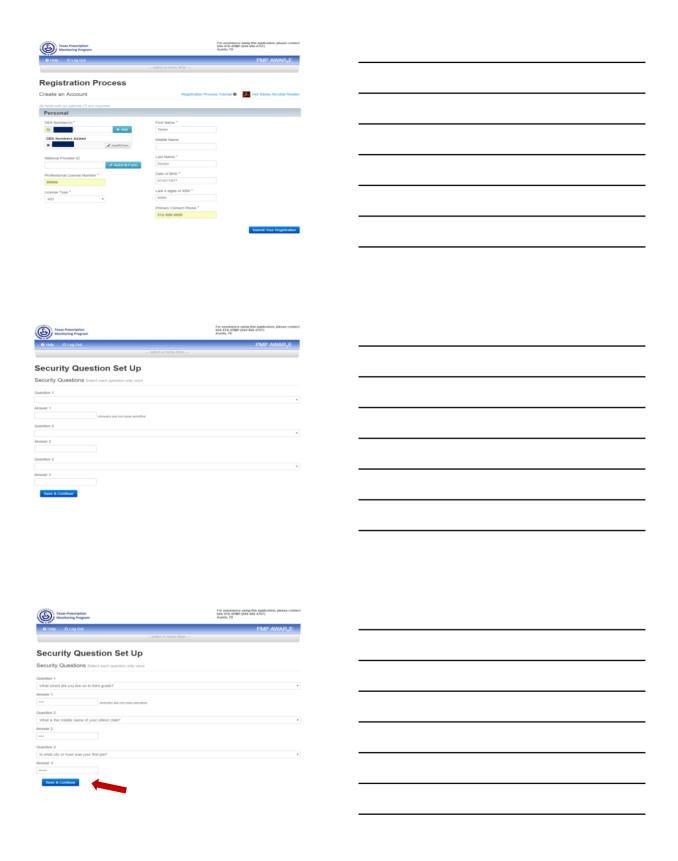
- The Prescription Monitoring Program can be accessed at the web address texas.pmpaware.net
 - True
 - False

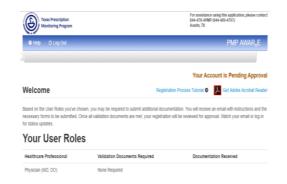


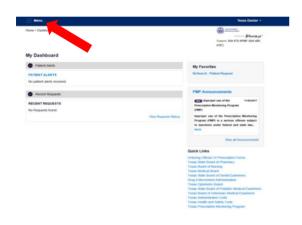


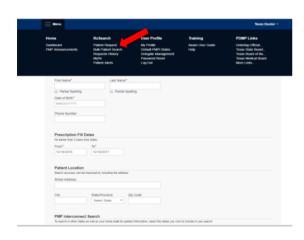


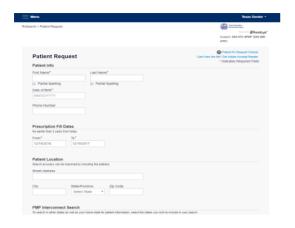


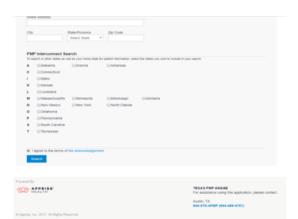




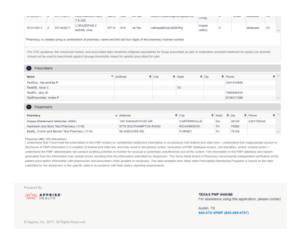












PRESCRIPTION MONITORING PROGRAM FY2017 Quarterly Reports						
1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year-to- Date		
43,227	5,494	4,773	5,148	58,642		
800,041	982,602	1,113,526	1,279,436	4,175,605		
10,123,585	10,092,111	9,856,895	9,346,925	39,419,516		
	1st Quarter 43,227 800,041	FY2017 Quarter 1st Quarter 2nd Quarter 43,227 5,494 800,041 982,602	FY2017 Quarterly Report 1st Quarter 2nd Quarter 3rd Quarter 43,227 5,494 4,773 800,041 982,602 1,113,526	FY2017 Quarterly Reports 1st Quarter 2nd Quarter 3rd Quarter 4th Quarter 43,227 5,494 4,773 5,148 800,041 982,602 1,113,526 1,279,436		



Still valid prescription forms!





Texas Prescription Monitoring Program Facebook Page



www.facebook.com/TexasPMP/

The Texas PMP Facebook page will offer news and updates specific to the program.

Poll Question #5

- A registered user may look up the prescription information for only their patients.
 - True
 - False



Final Reminders

- Receiving Credit
 - Look for the attendance confirmation to be posted in your Lifelong Learning Account 5-7 days from now
 - An email notification will be sent to you when it is available
 - You will have 30 days from the date it is posted to confirm your attendance.
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Trouble accessing your Lifelong Learning Account?

Questions about your attendance?

Call the help desk:

1-800-215-0641 Select Option 1

Please note: This course is accepted by the Texas State Board of Pharmacy for both general credit and as fulfilling the law requirement. However, it is NOT ACPE approved and will not appear in your CPE Monitor account.



TEXAS STATE BOARD OF PHARMACY

Thank You!

REMINDER:

Hold onto your code and be able to identify it when you receive email notification to verify your attendance. This should be approximately 5 – 7 business days from now, so keep an eye on your spam folder.

CODE:

(Will be announced during the live webinar)

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educationcoordinator@pharmacy.texas.gov

